

SCOTLAND COUNTY MEMORIAL LIBRARY

312 West Church Street

Laurinburg, NC 28352

Phone 910-276-0563 • Fax 910-276-4032

E-mail lgyles@scotlandcounty.org

May 11, 2012

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re **CC Docket No. 02-6**
Petition for Waiver
FCC Form 471 No. 875378
Applicant: Scotland County Memorial Library, BEN 199292

Dear Ms. Dortch,

With this letter Scotland County Memorial Library ("SCML") requests a waiver of the FCC Form 471 filing window deadline for Funding Year 2012 under the schools and libraries universal service support mechanism (E-Rate).

Background

SCML is a single-branch library serving the citizens of Scotland County, North Carolina. The median household income in our county is about \$29,400 – compared to \$51,900 for the entire U.S. (U.S. Census Bureau 2006-2010 American Community Survey 5-Year Estimates). As a consequence, our library resources are very important to our community, but our budget and funding are constrained.

Furthermore, our 2011-2012 operating budget was reduced 22% from the previous fiscal year, and our 2012-2013 operating budget is projected to drop a further 8%.

As a consequence of our limited staffing and a misunderstanding about one of the E-Rate filing requirements, it became impossible for us to file our FY2012 Funding Application before the window-close date of March 20 and still comply with the 28-day Form 470 posting requirement. We did file our Funding Application on March 23 -- three days after the window-close deadline.

Even before our recent and projected funding reductions, our library has operated in a hardship financial environment. The budget cuts bring us to a critical situation... and if we were to lose our E-Rate funding for FY2012, it is hard to see how we would be able to continue to provide any meaningful level of access to information technology for our patrons, including our young people.

Analysis

SCML filed its FCC Form 471 on 3/23/2012, within 14 days of the filing window deadline. To the best of our knowledge, our E-rate funding application is otherwise in full compliance with all FCC rules and USAC requirements.

In *Academy for Academic Excellence*¹, the Wireline Competitions Bureau (“Bureau”) found that in cases where a delayed Form 471 filing came as a result of circumstances beyond the control of the applicant, the complete rejection of these applications was not warranted, given that the violation at issue was procedural, not substantive. The Bureau found further that rigid adherence to filing procedures would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

In *Acorn Public Library District*², the Bureau found that a delayed Form 471 filing of not more than 14 days after the filing window deadline was not likely to impede USAC’s ability to administer the E-Rate program. The Bureau found that the violation at issue was procedural, not substantive, and the Bureau found further that complete rejection of each of these applications is not warranted. The Bureau also found that (in the absence of any evidence of waste, fraud, or abuse, misuse of funds, or a failure to adhere to core program requirements and) because the FCC Form 471 was filed within 14 days after the filing window deadline, it was in the public interest to waive the FCC Form 471 deadline.

And in *Academy of Math and Science*³, the Federal Communications Commission reiterated that filing of Form 471 late but within 14 days of the filing window deadline is a special circumstance which justifies the grant of a waiver.

Finally, we note that denial of our funding request would impose severe hardship upon SCML, and the effect of such denial would be a profound adverse impact upon the services we provide for our patrons. The consequences of a denial of funding would not further the purposes of section 254(h) of the Telecommunications Act of 1996 or serve the public interest.

¹ *Academy for Academic Excellence Order*, 22 FCC Rcd 4747

² *Acorn Public Library District Order*, 23 FCC Rcd 15474

³ *Academy of Math and Science Order*, 25 FCC Rcd 9256

Ms. Marlene H. Dortch
May 11, 2012
Page 3 of 3

Request for Waiver

For the reasons stated in this letter, SCML respectfully requests that the Federal Communications Commission grant a waiver of the FCC Form 471 filing window deadline for SCML's Funding Year 2012 E-Rate funding application.

SCOTLAND COUNTY MEMORIAL LIBRARY

A handwritten signature in black ink, appearing to read 'Leon Gyles', with a stylized flourish extending to the right.

Leon Gyles
Director